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6 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

7 PATRICK L. GUILLORY,)
8)
9 Plaintiff,) CASE NO. C06-747-MJP-MJB
10 v.)
11 SNOHOMISH COUNTY JAIL, et al.,) ORDER DENYING MOTION
12 Defendants.) TO COMPEL PARTICIPATION
IN DISCOVERY

13 This matter comes before the Court on Plaintiff's motion for the court to compel
14 Defendants' attorney to participate in discovery and be included in conferences¹.
15 Having reviewed Plaintiff's motion, Defendants' response thereto, and the balance of the
16 record, the Court hereby finds and ORDERS:

17 (1) Plaintiff's motion for order compelling participation in discovery (Dkt.
18 #32) is DENIED. When Plaintiff filed this motion on December 15, 2006, it was
19 premature in that his prior motion for request for admissions from defendants, which this
20 Court construed as interrogatories to parties, had just been served by mail to Defendants
21 on December 5, 2006 (*see* Dkt. #31), and, under Fed. R. Civ. P. 33(b)(3), the answers to

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23 ¹Pursuant to Rules 26(a)(1)(E)(iii) and 26(f) of the Federal Rules of Civil Procedure, no
24 conference of parties is required in this matter because Plaintiff, an inmate in state custody, brings
this action *pro se*.

1 those interrogatories were due within 30 days after the service, i.e. by January 4, 2007.
2 To date, only one of the four defendants to whom Plaintiff's interrogatories were
3 directed has timely filed his answers and objections. (Dkt. #41). However, a motion for
4 order compelling discovery "must include a certification that the movant has in good
5 faith conferred or attempted to confer with the party not making the disclosure in an
6 effort to secure the disclosure without court action." Fed. R. Civ. P. 37(a)(2)(B).
7 Plaintiff's current motion to compel defendants participation in discovery is deficient
8 because it does not contain any certification that Plaintiff has conferred or attempted to
9 confer with the three defendants who have not responded to his interrogatories.

10 (2) The Clerk shall send copies of this Order to Plaintiff, to all counsel of
11 record, and to the Honorable Marsha J. Pechman.

12 DATED this 10th day of January, 2007.

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15 MONICA J. BENTON
16 United States Magistrate Judge
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